The Salt River Journal.

A. H. BUCKNER, "POWER IS EVER STEALING FROM THE MANY TO THE FEW." EDITOR AND PROPRIETOR.

VOL. 8—NUMBER 26. BOWLING-GREEN, MO. SATURDAY, APRIL 10, 1841. WHOLE NUMBER 390.

TERMS—$2 50 if paid within three months.
$3 00 if paid during the year.
$3 50 if not paid during the year.

Subscribers may discontinue their papers at any time by paying for the time they have received them, BUT NOT WITHOUT.

Those who subscribe for a year, and do not at the time of subscribing, order a discontinuance at the end of it, will be considered subscribers until they order the paper to be stopped, and pay all arrearages.

ADVERTISEMENTS.

$1 00 per square, for 12 lines or less, for the first insertion, and 50 cents for each continuance.

☞ Advertisements must be marked with the number of insertions that are requested; otherwise, they will be continued till forbid, and charged accordingly. No variation from these rates in any case.

Advertisements from a distance, and from persons with whom we have no current accounts, must be accompanied by the cash, or some responsible reference in town.

All letters addressed to the editors, must be POST PAID, or they will not be attended to.

Communications of a Personal Character, will be charged double the rates of advertising.

CESSION AND DISTRIBUTING BILLS.

SPEECH OF MR. CALHOUN.
OF SOUTH CAROLINA.

In Senate, January 23, 1841—On the amendment proposed by Mr. CRITTENDEN to the pre-emption bill, to distribute the proceeds of the public lands among the States.

MR. CALHOUN said that the proposition of the Senator from Kentucky, [Mr. Crittenden] to distribute the proceeds of sales of the public lands among the several States, was no stranger in this chamber. His colleague [Mr. Clay] had introduced it many years since, when he was in the Opposition, and had often pressed its passage as an Opposition measure, and once with success, while the Treasury was groaning under the weight of a surplus revenue, of which Congress was willing to free it on almost any terms. It was then vetoed by General Jackson, and has had to contend ever since against the resistance of his and the present Administration.

But it is now, for the first time, introduced under different auspices, not as on Opposition, but an Administration measure—a measure of the coming Administration, if we may judge from indications that can scarcely deceive. It is brought in by a Senator, who, if rumor is to be credited, se lected as member of the new cabinet, [Mr. Crittenden] backed by another in the same condition, [Mr. Webster] supported by a third, [Mr. Clay] who, all know, must exercise a controlling influence over that Administration. It is then fair to presume, that it is not only a measure, but a leading measure of General Harrison's administration, pushed forward in advance of his inauguration by those who have the right of considering themselves his organs on his floor. Regarded in this light, it acquires a vastly increased importance—so much so as to demand the most serious and deliberate consideration. Under this impression I have carefully re-examined the measure, and have been confirmed in the opinion previously entertained, that it is perfectly unconstitutional, and pregnant with the most disastrous consequences; and what I now propose is to present the result of my reflection under each of these views, beginning with the former.

Whether the government can constitutionally distribute the revenue from the public lands among the States, must depend on the fact, whether they belong to them in their united Federal character, or individually and separately. If in the former, it is manifest that the Government, as their common agent or trustee, can have no right to distribute among them for their individual, separate use, a fund derived from property held in their united and Federal character, without a special power for that purpose, which is not pretended. A position so clear of itself, and resting on the established principles of law, when applied to individuals holding property in like manner, needs no illustration. If, on the contrary, they belong to the States in their individual and separate character, then the Government would not only have the right, but would be bound to apply the revenue to the separate use States. So far is incontrovertible, which presents the question, in which of the two characters are the lands held by the States?

To give a satisfactory answer to this question, it will be necessary to distinguish between the lands that have been ceded by the States, and those that have been purchased by the Government, out of the common funds of the Union.

The principal cessions were made dy Virginia and Georgia; the former of all the tract of country between the Ohio, the Mississippi and the lakes including the States of Ohio, Indiana, Illinois, and Michigan, and the Territory of Wiskonsan; and the latter of the tract included in Alabama and Mississippi.—It shall begin with the session of Virginia, as it is on that the advocates for distribution mainly rely to establish the right.

I hold in my hand an extract of all that portion of the Viginia deed of cession, which has any bearing on the point at issue, taken from the volume lying on the table before me, with the place marked, and to which any one desirous of examining the deed may refer. The cession is "to the United States in congress assembled, for the benifits of said States." Every word implies the States in their united Federal character. That is the meaning of the phrase United States. It stands in contradistinction to the States taken separately and individually, and if there could be, by possibility, any doubt on that point; it would be removed by the expression "in Congress assembled"—an assemblage which constituted the very knot that united them. I regard the execution of such an assemblage, to the *United States so assembled*,, so conclusive, that the cession was to them in their united and aggregate character, in contradistinction to their individual and separate character, and by necessary consequences, the lands so ceded belonged to them in their former and not in their latter character, that I am at a loss for words to make it clearer. To deny it, would be to deny that there is any truth in language.

But as strang as this is, it is not all. The deed proceeds and says that all the lands so ceded, "shall be considered *a common* fund for the use and benefit of such of the United States as have become members of the *Confederation*, or *Federal alliance* of said States,, Virginia inclusive," and concludes by saying "and shall be faithfully and *bona-fied* disposed of for that purpose, and for no other use and purpose whatever."—If it were possible to raise a doubt before, these full, clear, and explicit terms would dispel it. It is impossible for language to be clear. To be "considered a common fund," an expression directly in contradistinction to separate or individual, and is by necessary implication as clear a negative of the latter, as if it had been positively expressed. This common fund to "be for the use and benefit of such of the United States, as have become or shall become members of the Confederation or Federal alliance;" that is as clear as language can express it for their common use in their united Federal character. Virginia being included as the grantor, out of abundant caution.

[Here Mr. Clay said in an audible voice, there were other words not cited. To which Mr. Calhoun replied:]

I am glad to hear the Senator say so, as it shows, not only that he regards the expressions cited standing alone, as clearly establishing what I contended for, but on what he relies to rebut my conclusion. I shall presently show, that the expression to which he refers will utterly fail him. The concluding words are, "shall be faithfully and *bona fied* disposed of for that use and no other use and proposes whatever." For that use—that is, the common use of the States, in their capacity of members of the Confederation or Federal alliance—and no other; positively forbidding to use the fund to be derived from the lands for the *separate* use of the States, or to be distributed among them for their separate or individual use, as proposed by this amendment, as it is possible for words to do. So far, all doubt would seem to be excluded.

But there are other words to which the Senator refers, and on which the advocates of the measure vainly rely to establish the right. After asserting that it shall be considered a common fund for the use and benefit of the States that are or shall become members of the Confederation or Federal alliance, Virginia inclusive, it adds, "according to their usual respective proportions in the general charge and expenditure." Now I assert, if these words were susceptible of a construction that the fund was intended for the separate and individual use and benefit of the States—which I utterly deny—yet it would be contrary to one of the fundamental rules of construction to give them that meaning. I refer to the well known rule, that doubtful expressions, in a grant or other instrument, are not to be so construed as to contradict what is clearly and plainly expressed—as would be the case in this instance, if they should be so construed as to mean the separate and individual use and benefit of the States severeally. But they are not susceptible of such construction.—Whatever ambiguity may be supposed to attach to them, will be readily explained by reference to the history of the times. The cession was made under the old Articles of Confederation, according to which the general or common fund of the Union was raised, not by taxation on individuals, as at present but by requisition on the States, proportioned among them according to the assessed value of their improved lands. An account had, of course to be kept between each State and the common treasury: and these words were inserted simply to direct that the funds from the ceded lands were to be credited to States according to the proportion they had to contribute to the general or common fund respectively, in order, if not enough should be received from the lands, to meet their contribution, they should be debted with the deficit: and if more than sufficient, credited with the excess in making the next requisition. The expression can have no other meaning; and so far from countenancing the construction, that the common fund from the lands should be applied to the separate use of the States, it expressly provides how it shall be credited to the confederated or allied States, in their account current with the general or common fund of that Confederacy. The opposition would imply the most palpable contradiction and absurdity.

But it is asked, what would have to be done if their had been a permanent surplus? Such a case was scarcely supposable, with the heavy debt of the Revolution, and the small yield from the land at the time; but if it had occurred, it would have been an unforseen contigency, to be provided for by the United States, to whom the fund belonged, and not by Congress, nor its agent, or trustee, for its management.

That this expression was intended merely to direct how the account should be kept, and not to make that the separate property of the States individually, which had been declared, in the most emphatic manner to belong to them, and to be used by them, as a common fund, in their united federal character, we would have the most conclusive proof, if what has been stated already was not so, in the fact that, in the deeds of cession from all the other States, Massachusets, Connecticut, New York, North Carolina and South Carolina, these words are omitted.

As to the cession from Georgia, it is impossible that there should be two opinions about it. It was made under the present Government, and in the very words, "according to their usual respective proposition in the general charge and expenditure." The omision, while the other portion was exactly copied, is significant. The old system of requisition on the States to supply the common treasury, under the Articles of confederation, had been superceded by taxes laid directly on the people, under the present Government, and it was no longer necessary to provide for the mode of keeping the account, and for that reason was omitted.—But the cession by Georgia was, in reality, a purchase. The United States has paid full consideration for the land, including the expense of extinguishing the Indian titles, and and other charges; and of course the portion of the public domain acquired from that State may be fairly considered as standing on the same principle, as far as the present question is concerned, as that purchased from foreign powers.

So untenable is the conclusion that the lands ceded by the States were ceded to them in their united and aggregate character as a Federal community, and not in their separate and individual, that the Senator from Massachusetts was forced to admit, if I understood him correctly, (and if not, I wish to be corrected,) that they were so ceded in the first instance, but only for the purpose of paying the public debt, and that on its final discharge, the lands became the separate property of the States. This sir, a perfectly gratuitous assumption on the part of the Senator, and directly opposed by the deeds of cession, which expressly provide that it shall be a common fund for the use and benefit of the States in their united and Federal character, without restriction to to the public debt, or limitation in point of time, or any other respects. This bold and unwarrented assertion my be regarded as an implied acknowledgment on his part of the truth of the constitution for which I contend, and on which the Government has ever acted, but now attempted to be changed on a false assumption.

The residue of the public lands, including Florida and all the region beyond the Mississippi, extending to the Pacific Ocean, and constituting by far the greater part, stands on a different footing. They were purchased out of the common funds of the Union, collected by taxes, and belong, beyond all question, to the people of the United States in their federal and aggregate capacity. This has not been, and cannot be denied; and yet it is proposed to distribute the common fund derived from the sales of these, as well as from the ceded lands, in direct violations of the admitted principle that the agent or trustee of a common concern has no right, without express authority, to apply the joint funds to the separate use and benefit of its individual members.

As brief as this narative is, I trust it is sufficient to show that the advocates of this amendment can find nothing in my former opinion or course to weaken my resistance to it, or to form the show of a precedent for the extraordinary measure which it proposes. So far from it, the deposite act, whether viewed in the causes which led to it, or its object and effect, stands in direct contrast with it. * * * * *

We stand, sir, in the midst of a remarkable juncture in our affairs; the most remarkable in many respects, that has occured since the foundation of the Government; nor is it probable that a similar one will ever again occur. *This Government is now left as free to shape its policy, unembarrassed by existing engagements or past legislation as it was when it first went into opperation, and even more so.* The entire system of policy originating in the Federal consolidation school has fallen prostrate. We have now no funded debt, no National Bank, no connection with the banking system, no protective tariff. In a word, the paper system, with all its corrupt and corrupting progeny has, as far as this Government is concerned, vanished, leaving nothing but its bitter fruits behind. The great and solemn question now to be decided is, shall we again return and repeat the same system of policy with all its disastrous effects before us, and under which the country is now suffering, to be again followed with ten fold aggravation; or, profiting by past experience, seize the precious opportunity to take the only course which can save the Constitution and liberty of the country; that of the old State Rights Republican policy of '98? Such is the question submitted for our decision at this deeply important juncture: and on that decision hangs the destiny of our country. A few years must determine. Much—very much will depend on the President elect. If he should rest his policy on the broad and solid principles maintained by his native State, in her purest and proudest days, his name will go down to posterity as one of the distinguished benefactors of the country; but, on the contrary, if he should adopt the policy indicated by the amendment, and advocated by his prominent supporters in this chamber, and attempt to erect anew the fallen temple of consolidation, *his overthrow, or that of his country, must be the inevitable consequence.*

AN ACT.

Amendatory and supplementary of the act entitled "an act to provide for levying assessing and collecting the revenue," approved 14th March 1835, and the several acts amendatory and supplementory thereto.

Be it enacted by the General Assembly of the State of Missouri.

§ 1st. That no money broker, nor exchange dealer, shall, after the first day of April next, carry on his business as such, without a lice se first had and obtained.

§ 2nd. The tax on said license shall be paid semiannually, in proportion to the amount of business expected to be done or capital employed in his business, which ever is of greatest amount, to be ascertained by the oath of the party, and at the following rates. Where the business expected to be done, or capital to be employed, which ever is gratest; is five thousand dollars, or under; fifty dollars; over five thousand and not exceeding ten thousand dollars; seventy five dollars; over ten thousand and not exceenidg fifteen thousand dollars; one hundred dollars. Over fifteen thousand and not exceeding twenty thousand dollars; one hundred and twenty five dollars. Over twenty thousand, and not exceeding thirty thousand dollars; one hundred and seventy-five dollars. Over thirty thousand, and not exceeding fifty thousand dollars; two hundred and fifty dollars. Over fifty thousand, and not exceeding seventy-five thousand dollars; three hundred dollars. Over seventy-five thousand, and not exceeding one hundred thousand dollars; three hundred and fifty dollars. Over one hundred thousand, and not exceeding one hundred and fifty thousand dollars; four hundred dollars. Over one hundred and fifty thousand, and not exceeding two hundred thousand dollars; four hundred and fifty dollars. Over two hundred thousand, and not exceeding three hundred thousand dollars; five hundred dollars. Over three hundred thousand dollars; six hundred dollars.

§ 3rd. If any money broker or exchange dealer, violate the first section of this act, he shall forfeit and pay, to the use of the county, wherein such violation shall be committed, by indictment, two thousand dollars, to be recovered by indictment. *Provided always*, the occasional dealing in money, or exchange, unless same is done as a business shall not be considered and held a violation of said first section.

§ 4th. The form of licences, and manner of using them under this act, shall conform so near as may be to the law authorising licenses to venders of Merchandise and the tax shall be accounted for in like manner.

§ 5th. There shall be levied and collected of all money brokers, and exchange dealers, in addition to the tax on licenses, an advalorem tax on all bills of exchange, notes, bonds, and other securities and on all money on hand, taken, kept or negotiated in their business as such, other than what is the property of citizens of the state, except themselves, and of all other persons citizens of this state; an advalorem tax on all moneys loaned at interest to citizens of this state; and on all bills of exchange, notes, bonds and other securities, purchased in way of brokage, or dealing in money or exchange within this state; and of all incorporations in this state; and advalorem tax on all property owned by them, over and above their capital stock; and on all money held by them in trust for persons or corporations other than citizens or corporations of this state, and used in trade for the benefit of such persons or corporations, and on all stock or interest held in any steam boat.

§ 6th. The advalorem tax under this act, and the mode of assessing and collecting the same, except as may be otherwise provided; shall be the same as prescribed by the act, entitled "an act to provide for levying assessing and collecting the revenue," approved 14th March 1835; and the several acts amendatory and supplementary thereto.

§ 7th. Hereafter persons owning shares of stock in bank, and other incorporated companies; which shares are taxable, shall not be required to deliver to the assessor a list of the same; but it shall be the duty of the President or other chief officer of [illegible] trust or incorporate company, the shares of which are taxable; to deliver to the assessor, a list of all shares of stock in said company; and in default of doing so, such President or other chief officer shall incur a penalty of one thousand dollars, to be recovered before any court, having jurisdiction of the same, by indictment.

§ 8th. The tax assessed on shares of stock embraced in the list required by the above section, shall be paid by the incorporations respectively; and they shall be entitled to have and recover, from the owners of the shares on which they may pay the tax, the amount paid by them on the shares respectively, to be deducted from the dividend on such shares or otherwise; and the amount of tax so paid, shall be a lien on such shares respectively, and shall be paid before any transfers of such shares can be made.

§ 9th. If any corporation shall fail to pay the tax due on shares of stock of such corporation, the collector shall have power to sell such stock, in the same manner and under the same restrictions, as he is now authorized to sell goods and chattles.

§ 10th. It shall be the duty of the cashier, secretary, or chief clerk of such corporation; on the request of the collector; to furnish him with a certificate under his hand, stating the number of shares held in the stock of such corporation, with the incumbrances thereon; and the collector on obtaining such information, in any other manner may levy on such rights and shares and sell same, as provided in next preceeding section, and, on sale, the purchaser shall be admitted to all the reghts and privileges, as the holder of such shares, at the time of testing (levying on) the same, and shall be entered by such corporation on their books, as owners of such shares, any violation of the provisions of this section, shall subject the corporation to a penalty of one thousand dollars; to be recovered by action of debt in any court having jurisdiction of same, in name of the collector, authorized to collect to tax assessed, or any other person injured by such violation.

§ 11th. The selling of lottery tickets, shall be considered a distact business from that of a money broker, and no person shall vend lottery tickets, without first obtaining a license from the clerk of the county court, in which said tickets are propose to be sold, which licence shall be for the period of six months; and shall only authorize the sale of lottery tickets at one place.

The tax upon each licence shall be one hundred dollars, to be paid to the collector, but such licence shall not authorise the sale of the tickets of the two lotteries which are expressly authorized by the laws of this state.

This act to take effect from and after its passage.

STERLING PRICE Speaker of the House of Representatives.
M. M. MARMADUKE President of Senate.

AN ACT.

To provide for the payment of the interest on State Bonds.

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. Every Assessor shall so make his books, and the Clerk of the County Court shall so certify the abstract thereof, as to show the aggregate amount of state revenue, that is derived from taxes imposed on brokers, lottery dealers, steam-boats, money, notes, bonds, and other securities, and from corporate companies.

TREASURY DEPARTMENT, AUDITOR'S OFFICE.
February, 25th, 1841.

To the Assessor of the County of Pike.

SIR:—In the above you will find copies of a law of the last Geveral Assembly, relating to the taxation of bonds &c. belonging to corporations, and so much of another law as prescribes the form of the books which the assessor are rejired by law to keep. I would suggest to you the propriety of having in your book a separate column for each head of taxation mention in the law.

I am very respectfully
Your obedient Servant.
HIRAM H. BABER, AUDITOR.

MINEAL POINT BANK.—The Galena Gazette of the 22d inst., alluding to the situation and course of the Mineral Point Bank, says—"We have seen a gentleman direct from Mineral Point, who assures us of the repeated protestations of Mr. Knapp, the Cashier, that the credit of the Bank will be immediately restored at St. Louis." If Mr. Knapp possesses the power, there are many here who would like to see him exercise it as soon as possible.—[*New Era.*

PROBABLE POSTPONEMENT OF MCLEOD'S TRIAL.—A correspondent of the New York Herald, writing from Lockport, under date of the 10th, says—"The trial of McLeod will not come on at our next Oyer and Terminer, which sits at this place on the 22d inst. Mr. McL. has commenced, or is about to commence, proceedings to procure a commission to examine foreign witnesses, and among the rest Capt Drew, who commanded the Caroline expedition, and who is now in England. I [illegible] the latter part of next summer or perhaps not until fall."